



WISCONSIN REGULATORY DIGEST

Tommy G. Thompson
Governor

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VETERINARY EXAMINING BOARD **DECEMBER, 1998**

Governor Tommy Thompson Appoints New Board Member

James R. Johnson, DVM, has been appointed by Governor Tommy Thompson to the Wisconsin Veterinary Examining Board.

Dr. Johnson, who resides in Waukesha, is the co-owner of Associates in Pet Care, S.C. in Waukesha. Prior to starting this clinic in 1983, Dr. Johnson operated the Racine Avenue Animal Clinic in Waukesha from 1978-83.

Dr. Johnson has also been an active member of the Wisconsin Veterinary Medical Association. He obtained his Doctor of Veterinary Medicine from Kansas State University in 1975 and finished an internship in Small Animal Medicine at Colorado State University in 1976.

VETERINARY EXAMINING BOARD

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Tax Delinquency, A New Basis for Denial, Suspension And Revocation

Since 1996, the law has required the department to verify that applicants for credential renewal are not delinquent in payment of Wisconsin state taxes. The department is required to deny renewal if the Department of Revenue certifies that an applicant is tax delinquent.

Effective January 1, 1999, the scope of the law will expand to apply to other state agencies, including the Department of Transportation and the Department of Natural Resources. The law will also change to include applicants for new licenses and current credential holders. After January 1, 1999, the Department of Regulation and Licensing is required to deny the applications for an initial credential if the applicant is certified by the Department of Revenue as being liable for delinquent state taxes. The Department will also be required to revoke the credential of current holders who are tax delinquent.

A person denied or revoked because of a tax delinquency status may request the Department of Revenue to review the certificate of tax delinquency at a hearing.

The text of the new law is in 1997 Wisconsin Act 237 at section 307 and sections 532 - 551.

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Act 237 is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Law Sanctions Professionals with Delinquent Support and Collect Social Security Numbers

In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credentials will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credentials shall not be sanctioned for more than five years if instituted because of delinquency in support, or for more than six months if instituted for failure to comply with a subpoena or warrant. This act became effective in April 1998.

The new family support collection act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or to the Department of Revenue for the purpose of checking for tax delinquencies.

The new law, 1997 Wisconsin Act 191, is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Administrative Warnings May Be Issued Under New Law

Examining boards, the department and other regulatory authorities are authorized to issue administrative warnings under a new law effective May 5, 1998. An administrative warning may be issued to close an investigation if a regulatory authority determines that no further action is warranted because the complaint involves a first occurrence of a minor violation and the warning adequately protects the public.

Under Act 139, an administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person warned knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing.

A credential holder may have a warning reviewed before the department or board that issued the warning. The Act requires the department to promulgate rules establishing uniform procedures for administrative warnings. 1997 WI Act 139 is available from the department and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

The Value of Medical Records by Jean Heyt-Thompson

The value of the medical record becomes very clear when a practitioner is faced with a formal complaint or litigation. The medical record then becomes the only written document in defense of the care provided for a patient. But, if that document is unclear, unreadable or incomplete it may be totally worthless evidence and may leave the practitioner defenseless against disciplinary action. Good records are good business not just to protect ourselves from litigation but they assure continuity of care for the patient. Each month board members are asked to evaluate records and as to how they support or disprove a complaint. Many of these records need work. Improvements need to be made! Here are some problem areas.

The single most common problem noted is illegibility of the submitted record. What can't be read from the record can't cause any harm is not true! That particular piece of information may be the one that would completely clear your name. In multiple doctor practices not being able to read prior information could lead to misdosing of prescription medication, repeating diagnostics that have already been done, performing an unnecessary procedure and more, with possible

disastrous results. A couple alternatives to hand writing records is typing or having an assistant hand write it at your dictation. Be sure to initial all entries.

Medical progress notes on hospitalized animals need to include an assessment and a plan; otherwise it becomes unclear what it is being treated and why. Record the daily exam and laboratory results on the written record. Why was the medication changed, what rate is the fluid being given, is there vomiting or loose stools, did the pet eat? These questions and others need to be answered in order to prove if a particular treatment course is working or not.

When recording examination findings be sure to note all of the patients needs. For instance, if the pet is presented for vomiting and a radiograph and a complete blood screen is needed, write it down even if client decides to refuse that level of care for the pet. When a needed service is declined be sure to document this on the file as well as the reason why. If the pet is treated symptomatically and the records only contain what was actually done, not what was needed, then there is no defense that the additional service was offered. If choices are presented be sure to record what was needed and why an alternative was given.

Record all follow-up calls on the file. Every time a client calls, make an entry. This is particularly true if advice is given. Also be sure to record when a follow-up or recheck is needed. Many computer systems have a good recall system built right in that is easy to use. Or, if not computerized, a system can be utilized using 3x5 cards filed as to the date the recall is needed.

Get consent for all procedures to be done on a pet. For instance, if a pet is admitted for a teeth cleaning and it's found that extractions are needed get consent before pulling the teeth. Don't make decisions for the client. It's their right to make all decisions for their pet.

Be complete. It's not enough to write the name of the procedure on the file and put a check by it once it's complete. A proper write-up includes all drugs used, the dosage administered or prescribed, as well as a description of the procedure with any complications noted. Controlled drugs need to be recorded both on the file and the controlled drug record log. Any vaccinations given must be recorded including the type and name of the

product used. The pull off label many pharmaceutical manufacturers offer on their vaccines are a handy and quick way of providing necessary documentation. If an exam is done note the findings and the diagnosis. Always record if nail trims, ear cleanings or other ancillary procedures are done even if there is no charge for them.

When a receptionist or technician is checking in a pet for exam have them record the client's complaint. If a pet is urinating around the house, they should not record urinary tract infection as the reason for the visit. That is assuming a diagnosis. If the doctor doesn't confirm that this is the case it's on the permanent record and can be confusing. If other lay staff are allowed to write observations or treatments on the record be sure that they identify their entries with initials.

If mistakes are made on the record always initial the crossed out portion and identify it as a mistake. Entries should be in the proper sequence without blank lines or large empty spaces between them. Always write up the record in a timely manner. The longer the delay the greater chance of missing an important fact.

These suggestions if adhered to will help make the board members' job easier. Remember good records help the practitioner by providing for continuity of care and provide important substantiation for any decisions made and treatment provided.

Complaints Against Credential Holders

Complaints are processed in the following manner:

All complaints received by the Veterinary Examining Board and the Department are routed to the Division of Enforcement (DOE) where they are logged into the computer and given a number.

Complaints are screened by several board members and the supervisor of the DOE prosecutors and the supervisor of the DOE investigators. The complaint screening process results in a decision to open or not open a complaint for investigation. Sometimes additional information is requested of the complainant at this stage of the process. Most boards are now moving toward screening complaints at least once a month.

If a complaint is opened for investigation, it is assigned to a team in DOE. Teams consist of prosecutors, investigators, legal assistants and, in some cases, auditors. A specific prosecutor and investigator is assigned to the case and the investigator commences an investigation as soon as possible. The investigation generally includes corresponding with the complainant, the credential holder and other people with relevant information. Documents are reviewed and the investigator often interviews people to obtain more information.

A board member is assigned to the case as an advisor. The board member offers suggestions to the investigator and, after the investigation is concluded, the advisor recommends that the case be closed for a certain specified reason or that the case proceed to possible disciplinary action.

If the case advisor recommends possible disciplinary action, a prosecutor reviews the file and requests additional investigation, if needed. The prosecutor usually offers the licensee an opportunity to agree to a resolution of the matter. The offer may be in the form of a written stipulation for some type of discipline, such as a revocation, suspension, limitation, reprimand, and/or an assessment of all or part of the costs of the investigation and prosecution. If the licensee rejects the stipulation, the attorney schedules a hearing before an administrative law judge. The hearing is like a trial and the credential holder may have an attorney represent him or her. After the hearing, the administrative law judge prepares a proposed decision and refers it to the Board.

If a case advisor recommends that a case be closed, the case is reviewed by the Board at its next meeting and the Board either concurs or refers the case for disciplinary action. Stipulations and proposed decisions are also referred to the Board for final disciplinary action. If the Board disagrees with a proposed stipulation, the Board may refer the case back to the prosecutor for more negotiations or, possibly, a hearing. If the Board disagrees with a proposed decision of an administrative law judge, it may change parts of the proposed decision, but it will have to explain why it is making the change.

There is considerable due process built into the complaint process. Credential holders or their attorneys are given many opportunities to respond to proposals and to object to decisions.

Ultimately, if a credential holder disagrees with the Board's disciplinary decision, the credential holder may appeal the case to the Court of Review.

Letters are sent to complainants and credential holders at various stages in the process, informing them of receipt of a complaint and the final disposition of a complaint.

Disciplines

JOHN E. CRAWLEY, D.V.M.

PALMYRA WI

LIMITED

Failed to adequately examine and diagnose and appropriately treat a puppy. His examination and diagnosis of the puppy failed to determine the reason the puppy was in shock and his treatment plan was inappropriate to the presentation of respiratory difficulty and shock. Reprimanded. His license is limited in that he shall not provide emergency care to any companion animal which he has not previously treated, whose owner is not a regular client of his clinic, or any companion animal which requires the administration of oxygen, or which requires the use of radiographs to diagnose the animal's condition. Ordered to pay costs of \$500. Effective: 4/15/98

ANNA MARIE DITTMAR, D.V.M.

PORT WASHINGTON WI

EDUCATION

A formal investigation is pending involving patient records. A review of the records indicate that they did not meet the requirements of the board. She voluntarily agreed to participate in a continuing education program in the maintenance of appropriate medical records by veterinarians. Effective: 6/17/98

Telephones

Automated Phone System for the Health Professions: (608) 266-2811

Press 1 **Request Application**

Press 2 **Status of a Pending Application**

Press 3 **Complaint Filing Information**

Press 4 **Verifying Current Status of a Credential Holder**

Press 5 **Name or Address Change**

Need a Duplicate License

Request a Letter of Good Standing

Press 6 **Repeat Menu Choices**

Fax (608) 261-7083

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

1999 Meeting Dates

January 27, February 17, March 18, April 28,
May 26, June 30, July 28, August 18,
September 29, October 27, November 24,
December 22.

Digests on Web Site:

November, 1997; June, 1998

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>

Send comments to dorl@mail.state.wi.us

Wisconsin Statutes and Code

Copies of the Veterinary Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county

and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated September, 1997.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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